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January 10, 2025

VIA ECF

The Honorable Jesse M. Furman
United States District Court
for the Southern District of New York
40 Centre Street, room 2202
New York, NY 10007

Re: Joint Letter Motion Regarding Adjournment & Mediation – 24 Civ. 07770 (JMF)

Your Honor:

This office represents Defendant Washington/163rd St. LLC in the above matter. We write jointly with counsel for the Plaintiff and counsel for Defendant 163 MP Petroleum LLC (collectively, the “Parties”) to respectfully request an adjournment of the Initial Pre-Trial Conference and the withdrawal of the mediation order of this Court.

As the Court is aware, since Plaintiff’s initial pursuit of default in this matter, counsel for the individual Defendants has appeared and obtained Plaintiff’s counsel consent to vacate their respective defaults. In addition, the Parties have already initiated and engaged in substantive settlement negotiations in this matter. As it stands currently, the Parties are confident that a settlement is likely. Furthermore, according to the Court’s January 2, 2025 Order, the Defendants have until January 30, 2025 to file their respective responses to Plaintiff’s Complaint.

Prior to Defendants’ appearances in this matter, the Court had scheduled an Initial Pre-Trial Conference for January 24, 2025, at 9:00AM, with a joint letter and proposed Civil Case Management Plan and Scheduling Order (“Plan”) due the Thursday of the week prior to the pretrial conference. Given the recent appearance of counsel and the new deadline for Defendants’ Answers, the Parties jointly request that the Initial Pre-Trial Conference, joint letter, and Plan be adjourned to a date after the filing of the Defendants’ Answers that is most convenient to the Court. It is the belief of the Parties that the conference and Plan will benefit from Defendants’ filings, as said filings will include not only the Defendants’ responses to the allegations made by the Plaintiff but also their affirmative defenses. This information would be material to any case management discussion as it will affect the scope of discovery. As such, the Parties respectfully request the above adjournment. Additionally, the Parties respectfully request that should the Court reschedule the Initial Pre-Trial Conference, it be marked as a remote (either video or telephonic) conference.



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Lastly, given the Parties' concerted efforts to reach a resolution at such an early stage in this matter, the Parties respectfully request that they be allowed to continue their discussions outside of the Southern District's Mediation Office ("Office"). It is the Parties' position that proceeding outside of the Office will save the Office's resources as well as limit the expense of the Parties in this matter, especially given the Parties' intent to reach a resolution in this matter.

This is the Parties' first request for an adjournment, and all appearing parties consent to the above requests. There are no other dates that would be affected by the Court's granting of the Parties' request. We thank the Court in advance for its time and consideration.

Very truly yours,

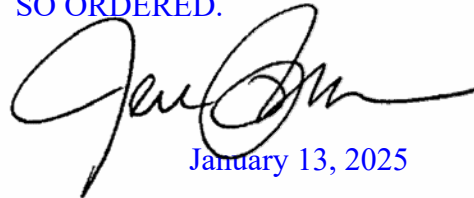
GOETZ PLATZER LLP

By: 

Arsenio Rodriguez

Applications GRANTED. The initial pretrial conference is hereby RESCHEDULED to **February 13, 2025, at 9:00 a.m.** The conference will be held remotely by telephone in accordance with Rule 3(B) of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. The Clerk of Court is directed to terminate ECF No. 39.

SO ORDERED.



January 13, 2025